



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1685 Entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 10.44 Of The Lodi Municipal Code By Repealing And Reenacting Sections 10.44.040 (A) And (C), Relating To Display Of 'For Sale' Signs On Vehicles, Vessels Or Trailers On City Streets"

MEETING DATE: December 1, 1999

PREPARED BY: City Clerk

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1685.

BACKGROUND INFORMATION: Ordinance No. 1685 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 10.44 Of The Lodi Municipal Code By Repealing And Reenacting Sections 10.44.040 (A) And (C), Relating To Display Of 'For Sale' Signs On Vehicles, Vessels Or Trailers On City Streets" was introduced at the regular City Council meeting of November 17, 1999.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

This Ordinance has been approved as to form by the City Attorney.

FUNDING: None required.


Alice M. Reimiche
City Clerk

Attachment

APPROVED: _____
H. Dixon Flynn -- City Manager

ORDINANCE NO. 1685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING CHAPTER 10.44 OF THE LODI MUNICIPAL CODE
BY REPEALING AND REENACTING SECTIONS 10.44.040 (A)
AND (C), RELATING TO DISPLAY OF "FOR SALE" SIGNS ON
VEHICLES, VESSELS OR TRAILERS ON CITY STREETS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 10.44 – Stopping, Standing and Parking - is hereby amended by repealing and reenacting Sections 10.44.040 (A) and (C), relating to Display of "For Sale" Signs on Vehicles, Vessels or Trailers on City streets to read as follows:

Section 10.44.040 Parking for Certain Purposes Prohibited—Display of "For Sale" Signs on Vehicles, Vessels or Trailers--Restrictions:

- A. It is unlawful to park upon any public street, right-of-way or public property any vehicle, vessel or trailer displaying a sign advertising such vehicle, vessel or trailer for sale.

The provisions of this subsection shall not apply to vehicles parked FOR SALE at the residence of the owner of said vehicle and the public streets immediately adjacent thereto. A vehicle parked for sale shall not display a sign exceeding one square foot in size, or display more than one such sign, or attach to or otherwise affix to such vehicle, vessel or trailer any other sign, banner, pennant, balloon or other device, intended to call attention to the fact that such vehicle, vessel or trailer is offered for sale.

- C. Notwithstanding subsection A of this section, it is unlawful to park upon any public street, right-of-way or public place within two hundred feet of any signalized intersection or all-way stop controlled intersection or within seventy-five feet of any other intersection, any vehicle, vessel or trailer for sale. The City Council finds and declares that vehicles, vessels or trailers parked within the stated distances of an intersection, and displaying such signs, constitute a traffic hazard by distracting the attention of passing motorists and pedestrians away from other traffic moving through and about such intersections.

SECTION 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

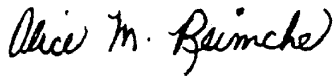
SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this 1st day of December, 1999



KEITH LAND
Mayor

Attest:



ALICE M. REIMCHE
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1685 was introduced at a regular meeting of the City Council of the City of Lodi held November 17, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held December 1, 1999 by the following vote:

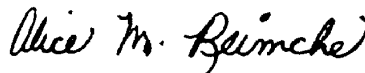
AYES: COUNCIL MEMBERS – Hitchcock, Mann, Nakanishi, Pennino
and Land (Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

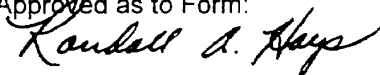
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1685 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



ALICE M. REIMCHE
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney